

DELEGATED DECISION REPORT

SMD/2024/0446
Valid 04/10/2024

17 DERBY STREET
LEEK

LAWFUL DEVELOPMENT
CERTIFICATE FOR EXISTING
USE CLASS E

(CERTIFICATE OF
LAWFULNESS - EXISTING)

MAIN ISSUES

The application seeks a legal determination as to the existing lawful use of the building relative to the Use Class Order 1987 (as amended).

DESCRIPTION OF SITE

17 Derby Street is the former Midlands/HSBC bank branch that has been closed since Aug 2016. The premises has three storeys and has prominent high street presence adjacent to the Cock Inn PH.

THE APPLICATION

There is an intention here to use and occupy the premises (all three floors) as a dentist's surgery. The intended use would rely on the change of use being provided within the same Use Class E of the Use Classes Order 1987 (as amended).

The application points to a planning permission granted in 1978 that confirms the authorised use of the building's first and second floor as branch offices to the bank.

The purpose of this application, it seems, is to address some uncertainty around the status of the ground floor which was not referenced on that 1978 planning permission. The application seeks a certificate confirming that the whole of the building has an existing lawful use that would fall within Class E of the Use Classes Order 1987.

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

78/05508/OLDDC Change of use of 1st and 2nd floor for banking and ancillary purposes. APPROVED.

99/00609/FUL Installation of A.T.M. cash machine. APPROVED.

SMD/2014/0766 Display of 1 fascia sign, 1 projecting sign, nameplate, opening hours, door signage, welcome message, welcome poster, security/statutory signage. APPROVED.

It is apparent that the use of the building's ground floor as a bank was established and pre dates 1978. The application suggests since 1927, that being the case the use of the ground floor would have been taken as settled since its use pre dated the Planning Act.

The application also submits that the bank closed in 2016 and that between 2nd Nov 2019 and 4th Nov 2023 the offices were occupied by 'Greater Places'.

CONSULTATIONS

Publicity

Neighbour consultation period ends: 6th Nov 2024

Press Advert: 6th Nov 2024

Public Comments

None

OFFICER COMMENTS

The application submits that the ground floor of the building had been used as the Midland branch since 1927. That use would have predated the Planning Act and been well established. So, by 1978, when the branch needed to expand with the provision of offices, it was considered unnecessary to seek permission for, or to include as part of the application, the use of the ground floor. The 1978 application therefore only sought change of use for the upper first and second floors.

When the bank closed in 2016, brief periods when the building was unoccupied and then used as administrative offices for a housing association, would not have resulted in a material change of use or an abandonment of the previous use as the buildings lawful existing use.

Either way the established existing lawful use of the building (all three floors) falls within commercial use class E of the use Class Order as amended in Sep 2020.

CONCLUSION / PLANNING BALANCE

The last and lawful use of the premises (all three floors) was that of a bank branch with ancillary offices and spaces associated with that use. The occupation of the offices by a housing association between 2019 and 2023, did not result in a material change of use, the lawful use of the premises remains as that of a bank branch with offices.

In any event both uses of the building as either a bank/provision of financial services or as offices, fall within commercial Class E of the use Classes Order 1987 (as amended) E(c)(i) or E(g)(i).

A certificate should be granted confirming the existing lawful use of the building (all three floors) as a bank branch with ancillary offices and space associated with that use and that the use falls within Class E of the use Classes Order.

OFFICER RECOMMENDATION : APPROVE

Case Officer: Ben Hurst

Recommendation Date: 09/01/2025

X *B.S. Haywood*

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council